

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 198 cases of Antipasto at San Francisco, Calif., alleging that the article had been shipped in foreign commerce from Italy and had been entered at the Port of San Francisco, Calif., on various dates between January 20 and April 14, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Cases) "Stabilimento A Vapore Di Conserve Alimentari Marca Depositata Flli Garosci Di Giovanni Torino Italy * * * San Francisco Cal.;" (cans) "L'Excelsior Degli Antipasti Il Sole Flli Garosci Di Giovanni * * * Torino Italy * * * Tonno-Funghi-Olive-Cipolline * * * In Salsa Net Contents 6 Oz."

Adulteration was alleged in the libels for the reason that the article consisted in part of a decomposed animal or vegetable substance.

On December 4 and December 5, 1931, respectively, no claimant having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19111. Misbranding of apples. U. S. v. 275 Baskets of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27188. I. S. No. 38633. S. No. 5364.)

Examination of samples of apples, represented to be U. S. Grade No. 1, from the shipment herein described showed that an average of 20 per cent contained grade defects, consisting of sooty blotch, scars, cracks at stems, russet, undercolor, and insect injury.

On October 29, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 baskets of apples at New York, N. Y., alleging that the article had been shipped by the Martinsburg Fruit Exchange, Kearneysville, W. Va., on or about October 26, 1931, and had been transported from the State of West Virginia into the State of New York, and charging misbranding in violation of the food and drugs act. The product was labeled in part: (Baskets) "J. Howard McKee, Kearneysville, W. Va. U. S. No. 1, W. Va. A Grade Min.—2½ in."

It was alleged in the libel that the article was misbranded in that the designation "U. S. No. 1" was false and misleading when applied to apples falling below U. S. Grade No. 1.

On November 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19112. Misbranding of canned peas. U. S. v. 539 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27097. I. S. No. 39484. S. No. 5312.)

Samples of alleged early June peas from the shipment herein described having been found to contain an excessive quantity of hard and mature peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 539 cases of canned peas, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped on or about August 22, 1931, by Phillips Packing Co. (Inc.), from Cambridge, Md., and had been transported in interstate commerce from the State of Maryland into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Golden Rule Brand Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded within the meaning of the food and drugs act as amended, in the case of food, in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it contained an excessive quantity of hard and mature peas, to wit, more than 10 per cent, and its package or label did not bear a plain and conspicuous statement as prescribed, indicating that such canned food fell below such standard.

On November 30, 1931, the Phillips Packing Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession, and further conditioned that it be relabeled in part: "Below U. S. Standard. Low Quality, But Not Illegal." The decree further ordered that the bond be filed within 15 days from the date of the decree—which by order of December 3, 1931, was extended to 30 days—otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19113. Adulteration and misbranding of apples. U. S. v. 180 Barrels of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27237. I. S. No. 37571. S. No. 5418.)

Arsenic and lead having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 12, 1931 the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 barrels of apples, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. G. Maples from Tabler, W. Va., on or about November 5, 1931, and had been transported from the State of West Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The Associated Orchards, Martinsburg, W. Va., J. G. Maples, Sales Manager * * * Peter Rabbit Brand York Imperials."

It was alleged in the libel that the article was adulterated for the reason that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered the article harmful to health.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1931, the Associated Orchards, Martinsburg, W. Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for washing and relabeling under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$850, conditioned that the apples should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19114. Adulteration of dried figs. U. S. v. 25 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27098. I. S. No. 264. S. No. 5334.)

Samples of dried figs from the shipment herein described having been found to be decomposed and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 boxes of dried figs at Seattle, Wash., alleging that the article had been shipped on or about October 12, 1931, by Joe Mangini Draying Co. (Inc.), from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Shasta Brand Fancy White Adriatic Figs Grown and Packed by A. Ghiandi, Thormalito, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*